

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHLOE, S.A.S., J. CHOO LIMITED,

Civil Action No.: 07-cv-6491

Plaintiffs,

v.

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, DANIEL DOE, GODDESS TRADING
d/b/a GODDESSTRADING@HOTMAIL.COM,
LUXUNG GOODS, LUXURY GOODS, TERRY
DOE cl/b/a AZNTERRY911@HOTMAIL.COM,
JASON DOE d/b/a
JARRY326@YAHOO.COM.CN, FASHION
HANDBAGS, BENNY DOE, JEANCARLO DOE,
JOSEPH a/k/a JOSE DOE, SISI a/k/a CECI DOE,
TOP LUXURY HANDBAGS d/b/a
LUXURYHANDBAGS277@YAHOO.COM,
FRANCISCO DOE, BEN DOE, CARLOS DOE,
INSTYLE LUXURY HANDBAGS, CORINA
DOE a/k/a QIMIAO HU a/k/a QI MIAO HU,
KENNY DOE a/k/a YE GUO a/k/a GUO Q YE,
NEWCOME TRADING d/b/a TOSCA, QUICK
GLOBAL SHIPPING, HOWARD EXPRESS
SHIPPING, RANDY DOE, and various JOHN and
JANE DOES 1-10 and XYZ COMPANIES
(UNIDENTIFIED),

Defendants.

**DECLARATION OF
ROBIN WOO IN PARTIAL
OPPOSITION TO
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION
and IN SUPPORT OF CROSS
MOTION TO RELEASE
SEIZED FUNDS**

I, Robin Woo, of full age and under penalty of perjury, declare and state as follows:

1. I am the Manager of New Wealth Trading, Inc. d/b/a Tosca ("New Wealth"). We are located at 3801 Broadway Place, Los Angeles, California 90037.

2. We were served with a copy of the Redacted Complaint and the Temporary Restraining Order at our warehouse in California and certain of our business records and products were seized.

3. We are assuming that we are one of the XYZ defendants listed in the unredacted caption of the Complaint.

4. New Wealth was founded about 12 years ago for the importation and sale of handbags, wallets and belts.

5. Approximately every week, we import at least two different styles of handbags. On average, we sell over 100 styles of handbags every year. Some styles remain in our inventory for more than a year, but usually there is a great turnover as the fashions are constantly shifting and the types of handbags that consumers want constantly shifts.

6. Since we were founded 12 years ago, we have sold well over 1,000 different styles of handbags.

7. One of the named defendants in the case, Newcome Trading, Inc. d/b/a Tosca, is a customer of ours. Though we both do business under the name Tosca, New Wealth and Newcome are two separate corporations owned by different persons.

8. Other than Newcome Trading, Inc., not one single other defendant listed in the caption of the Complaint is a customer of New Wealth.

9. New Wealth did not sell any bags whatsoever to any of the named defendants listed in the caption of the Complaint, except for the bags we sold to Newcome.

10. The Complaint has photocopies of eleven specific handbags attached to it as exhibits, all of which are allegedly infringing products counterfeited by the named defendants and the XYZ defendants.

11. Importantly, New Wealth *never* purchased or sold any of the bags attached as exhibits to the Complaint. In addition, New Wealth has *never* sold any products bearing the trademarks of the Plaintiffs.

12. When the plaintiff's representatives came to our warehouse, they seized certain different handbags from us and we understand that Plaintiffs are now alleging that these different handbags violate their trade dress.

13. That argument is a far cry from demonstrating that our company had anything to do with these Chinatown alleged counterfeiters. We are a Korean-American owned wholesale importer and not part of some Chinese counterfeit ring.

13. New Wealth is willing to enter into an agreement with the Plaintiffs to have an injunction issue which states that we will not infringe upon their trade marks, as we have not done so in the past and have no intention of doing so in the future.

14. However, there is no good cause for New Wealth's bank accounts to be frozen or our business affairs interfered with by the Plaintiffs and we ask that the court vacate that portion of its order which allows the Plaintiffs to freeze our bank accounts.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 1st day of August, 2007, at New York, New York.

S/

ROBIN WOO